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FOR Response/Comments
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DATE 12/13/04 PCT
WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
CHECK'D BY _____ (PCT Rule 43bis.1)
DATE _____

BARNES & THORNBURG

Date of mailing
(day/month/year)

07 DEC 2004

Applicant's or agent's file reference

6678-74984

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/16600

International filing date (day/month/year)

26 May 2004 (26.05.2004)

Priority date (day/month/year)

27 May 2003 (27.05.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): B26D 1/14, 3/08 and US Cl.: 83/876, 698.41, 935, 676

Applicant

MUNCH, BRADFORD J

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US04/16600

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>3, 4, 8-16, 18-19, 21-38, and 44-54</u>	YES
	Claims <u>1, 2, 5, 6, 17, and 20</u>	NO
Inventive step (IS)	Claims <u>3, 4, 8-16, 18-19, 21-38, and 44-54</u>	YES
	Claims <u>1, 2, 5, 6, 17, and 20</u>	NO
Industrial applicability (IA)	Claims <u>1-54</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1, 5, 7, 17, and 20 lack novelty under PCT Article 33(2) as being anticipated by Hetz, U.S. Patent 4,534,687.

Hetz discloses the same invention as claimed, e.g., including: a blade (55) capable of being inserted into a rotary tool body (36), wherein the blade is generally flat (see Figure 6) having front and back sides (the left and right as shown), a cutting edge (37), a base edge (77) opposite the cutting edge, and opposite first and second edges (side ends as shown) between the cutting edge and the base edge.

Hetz further discloses the use of a wedge (83) for holding the blade in the tool body.

Hetz further discloses the use of multiple blades and tool holders.

Hetz further discloses the blade is capable of being positioned relative to the side edge with a positioning screw (85).

Claim 2 lacks an inventive step under PCT Article 33(3) as being obvious over Hetz in view of Parks, U.S. Patent 6,095,210.

Hetz discloses the invention substantially as claimed except for the blade having three spaced apart locating protuberances capable of engaging and locating the blade on the tool body, wherein at least one protuberance is on the base edge and at least one is on the side edges. However, Parks discloses that the use of protuberances on blades is old and well known for the purpose of accurately locating and positioning the blade. Parks shows in Figure 3 a blade (40) with multiple spaced apart locating protuberances (41) capable of engaging and locating the blade on the tool body, wherein at least one protuberance is on the base edge (the lowest one is formed as part of the lower edge as shown in Figure 3) and at least one is on the side edges (see Figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use locating protuberances with the blade of Hetz in order to accurately locate the blade on the blade holder.

Claim 6 lacks an inventive step under PCT Article 33(3) as being obvious over Hetz in view of Paolone, U.S. Patent 5,857,506.

Hetz discloses the invention substantially as claimed except for the blade having at least one hole and the wedge having at least one projection formed to extend into the hole. However, Paolone discloses that it is old and well known in the art to use blades with holes and wedges with projections for the purpose locating and holding the blade in place, as shown in Figure 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use at least one hole in the blade and at least one projection on the wedge in order to accurately locate and hold the blade on the blade holder.

Claims 3, 4, 8-16, 18-19, 21-38, and 44-54 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the left and right hand cutter blade sets.

Claims 1-54 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/16600

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments: